

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN QUINONES,

Plaintiff,

-v-

MTA NEW YORK CITY TRANSIT AUTHORITY,

Defendant.
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20-cv-10801 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On December 18, 2020, Plaintiff filed a complaint and request to proceed *in forma pauperis* in the instant case. Dkt. Nos. 1, 2. On February 4, 2021, Plaintiff's *in forma pauperis* application was granted, and the Court referred the case for mediation to the Southern District of New York's Mediation Program and directed the Clerk of Court to attempt to locate *pro bono* counsel to represent Plaintiff at the mediation. *See* Dkt. Nos. 3, 5. These orders were mailed to Plaintiff at his address recorded on the docket: 712 Fox Street, Apartment 6C, Bronx, NY 10455. Dkt. No. 8.

On May 11, 2021, Defendant moved to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Dkt. No. 14. Defendant mailed a copy of the motion and supporting documents to Plaintiff at his recorded address. Dkt. No. 18. Plaintiff has not responded to the motion to dismiss, and the Court has thus far deferred consideration of that motion until the parties have had the opportunity to attend mediation.

On August 11, 2021, at the request of the Southern District of New York's Mediation Office, attorneys Stephen M. Juris and Ashley A. Czechowski appeared as *pro bono* counsel for Plaintiff for the limited purpose of mediation. Dkt. Nos. 22, 23.

On October 12, 2021—by which the Mediation Office directed that the date and time of the first mediation session be set—Plaintiff’s *pro bono* counsel submitted a letter motion to the Court, requesting a four-week extension to schedule the mediation. Dkt. No. 27. The basis for this request was that, despite Plaintiff’s initial active involvement in preparing for mediation, counsel had been unable to reach Plaintiff since late July. *Id.* The Court granted the letter motion. Dkt. No. 28. Today, Plaintiff’s counsel again wrote to the Court to inform it that, “despite [their] continued best efforts, [they] have been unable to communicate with Mr. Quinones for the purposes of scheduling the parties’ mediation.” Dkt. No. 29.


Since the filing of the complaint and the application to proceed *in forma pauperis*, there has been no activity from Plaintiff on the docket, except for the notices of limited appearance and scheduling letters filed by his *pro bono* counsel.

It is hereby ORDERED that the time for scheduling the parties’ mediation is extended for thirty days to December 9, 2021. The Court will defer consideration of the pending motion to dismiss for that period. By December 9, 2021 Plaintiff shall either (1) inform the Court that he is in communication with *pro bono* counsel regarding his mediation and provide a date and time that the mediation will occur, or (2) show cause why this case should not be dismissed for failure to prosecute.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at his recorded address.

SO ORDERED.

Dated: November 9, 2021
New York, New York


LEWIS J. LIMAN
United States District Judge